

37E1
3762

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WASHINGTON, DC 20004-2402
PHONE 202.783.0800
FAX 202.383.6610
A LIMITED LIABILITY PARTNERSHIP

August 13, 2002

DIRECT DIAL 202.383.7204

VIA FACSIMILE (12 PAGES): 703.746.4060

Customer Service Center
Initial Patent Examination Division
United States Patent and Trademark Office
Washington, DC 20231

RECEIVED
AUG 13 2002
TC 3700 MAIL ROOM

Re: NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)
Application No.: 10/063,159
Entitled: "METHOD AND ASSEMBLY FOR FLUID TRANSFER AND
DRUG CONTAINMENT IN AN INFUSION SYSTEM"
Filed: 03/26/2002
Our Ref. No.: 06730.0018.NPUS00 (formerly 47865.272256)

Dear Sir or Madam:

With respect to the issuance of the *Notice of Incomplete Reply* (which indicates that the oath or declaration is missing) for the above-captioned patent application, we respond with the following:

A thorough review of our records indicates that a Declaration/Power of Attorney was filed under cover of our reply to the *Notice to File Missing Parts* transmittal dated May 13, 2002. We are attaching a complete copy of that filing, including the PTO date stamped postcard confirming receipt. We are also attaching the *Notice of Incomplete Reply*.

It is therefore respectfully asserted that the *Notice of Incomplete Reply* be rescinded and this application be processed towards examination. Should you have any questions, please feel free to contact the undersigned at 202.383.7204 or the attorney of record, Tracy W. Druce at 202.383.7298. Thank you.

Respectfully submitted,
HOWREY SIMON ARNOLD & WHITE, LLP

Daniel Hernandez, Paralegal



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/063,159	03/26/2002	Roger Akerlund	47865.272256

CONFIRMATION NO. 2733

28694
KILPATRICK STOCKTON LLP
607 14th STREET, NW
SUITE 900
WASHINGTON, DC 20005

FORMALITIES LETTER



0000000008198578

Date Mailed: 05/29/2002

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted


The U.S. Patent and Trademark Office has received your reply on 05/13/2002 to the Notice to File Missing Parts (Notice) mailed 04/05/2002 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

A copy of this notice **MUST** be returned with the reply.


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

RECEIVED
AUG 15 2002
TC 3700 MAIL ROOM



Applicant: AKERLUND Docket/Ref. No. GPD0028/47865.272256
 Title/Mark: M/A For Fluid Transfer And Drug Containment
 Serial/Reg./Patent No. 10/063,159 Date Sent: 5/13/2002
☒ Hand Carried ☐ Fax ☐ 1st-Class Mail ☐ Cert. of Mailing
☐ Express Mail No. _____
 New Patent App. ☐ Utility ☐ Design ☐ Cont. ☐ CIP ☐ Div. ☐ PCT ☐ CPA ☐ RCE ☐ Prov.
 _____ pages of Specification ☐ Formal/Informal/Substitute Drawing Sheet
 _____ pages of Claims (no. of) Substitute/Specimens
 _____ pages of Abstract ☒ Cover Letter/Transmittal
 _____ pages of Formal/Informal Drawings ☒ Combined Declaration/Power of Attorney
☐ Response/Amendment _____ ☐ Petition to Commissioner for _____
 _____ pages ☐ Request for _____-month Extension of Time
☐ Information Disclosure Statement ☐ Request for Non-Publication
 _____ Form PTO 1449 ☐ Transmittal of Issue Fee Form PTOL 85b _____
 _____ Copies of cited references ☐ Maintenance Fee for _____ years after grant
☐ Preliminary Amendment ☐ Notice of Appeal
☒ Response to Missing Parts Notice ☐ Appeal Brief
☐ Certified Copy of Priority Doc. ☒ Other: Fee Transmittal;
☐ Claim of Convention Priority Check.
☐ Verified Statement of Small Entity Status
☒ Assignment Papers

Check for \$ <u>766</u>	<input checked="" type="checkbox"/> Charge Deposit Acct.	Atty. Init.	Tkpr.#	Secy./PL Init.	<u>dh</u>
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THE PATENT AND TRADEMARK OFFICE DATE STAMPED HEREON IS ACKNOWLEDGEMENT THAT THE ITEMS, CHECKED ABOVE, WERE RECEIVED BY THE PTO ON THE DATE STAMPED

Applicant: AKERLUND Docket/Ref. No. GPD0028/47865.272256
 Title/Mark: M/A For Fluid Transfer And Drug Containment
 Serial/Reg./Patent No. 10/063,159 Date Sent: 5/13/2002
☒ Hand Carried ☐ Fax ☐ 1st-Class Mail ☐ Cert. of Mailing
☐ Express Mail No. _____
 New Patent App. ☐ Utility ☐ Design ☐ Cont. ☐ CIP ☐ Div. ☐ PCT ☐ CPA ☐ RCE ☐ Prov.
 _____ pages of Specification ☐ Formal/Informal/Substitute Drawing Sheet
 _____ pages of Claims (no. of) Substitute/Specimens
 _____ pages of Abstract ☒ Cover Letter/Transmittal
 _____ pages of Formal/Informal Drawings ☒ Combined Declaration/Power of Attorney
☐ Response/Amendment _____ ☐ Petition to Commissioner for _____
 _____ pages ☐ Request for _____-month Extension of Time
☐ Information Disclosure Statement ☐ Request for Non-Publication
 _____ Form PTO 1449 ☐ Transmittal of Issue Fee Form PTOL 85b _____
 _____ Copies of cited references ☐ Maintenance Fee for _____ years after grant
☐ Preliminary Amendment ☐ Notice of Appeal
☒ Response to Missing Parts Notice ☐ Appeal Brief
☐ Certified Copy of Priority Doc. ☒ Other: Fee Transmittal;
☐ Claim of Convention Priority Check.
☐ Verified Statement of Small Entity Status
☒ Assignment Papers

Check for \$ <u>766</u>	<input checked="" type="checkbox"/> Charge Deposit Acct.	Atty. Init.	Tkpr.#	Secy./PL Init.	<u>dh</u>
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THE PATENT AND TRADEMARK OFFICE DATE STAMPED HEREON IS ACKNOWLEDGEMENT THAT THE ITEMS, CHECKED ABOVE, WERE RECEIVED BY THE PTO ON THE DATE STAMPED



RECEIVED
AUG 15 2002
TC 3700 MAIL ROOM



Please type a plus sign (+) inside this box →

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/063,159
	Filing Date	03/26/2002
	First Named Inventor	AKERLUND
	Group Art Unit	3762
	Examiner Name	Unassigned
Total Number of Pages in This Submission	Attorney Docket Number	47865.272256

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input checked="" type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <p style="text-align: center;">Postcard.</p>
Remarks: APPLICANT CLAIMS SMALL ENTITY STATUS. Please change the Attorney Docket No. to 47865.272256 on all future correspondence.		TC 3700 MAIL ROOM AUG 13 2002 RECEIVED

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	KILPATRICK STOCKTON LLP David P. LeCroy
Date	05/13/2002

CERTIFICATE OF HAND DELIVERY	
I hereby certify that this correspondence is being hand delivered to the United States Patent and Trademark Office, Arlington, VA. 22202 on this date: 05/13/2002	
Typed or printed name	Daniel Hernandez
Signature	Date 05/13/2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



Approved for use through 10/31/2002. OMB 0851-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

Complete if Known

Application Number	0/063,159
Filing Date	03/26/2002
First Named Inventor	AKERLUND
Examiner Name	Unassigned
Group / Art Unit	3762
Attorney Docket No.	47865.27256

TOTAL AMOUNT OF PAYMENT (\$) 738

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number: 50-1458

Deposit Account Name: KILPATRICK STOCKTON LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	370
106	330	208	185	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	
SUBTOTAL (1)					(\$ 370)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
49	20	29	261
Independent Claims		0	0
Multiple Dependent		0	0

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claim, if not paid	
109	84	209	42	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$ 261)

**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	65
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17 (q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	40
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify) _____					
*Reduced by Basic Filing Fee Paid					
SUBTOTAL (3)					(\$ 105)

SUBMITTED BY

Name (Print/Type)	David P. LeCroy	Registration No. Attorney/Agent	37,869	Telephone	202-508-5800
Signature				Date	05/13/2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2036.



UNITED STATES PATENT AND TRADEMARK OFFICE

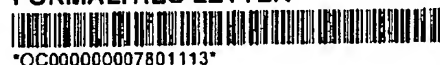
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WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/063,159	03/26/2002	Roger Akerlund	GBD0028-US

CONFIRMATION NO. 2733

28694
TRACY W. DRUCE
KILPATRICK STOCKTON LLP
11130 SUNRISE VALLEY DRIVE
SUITE 300
RESTON, VA 20191-4329

FORMALITIES LETTER



OC000000007801113

Date Mailed: 04/05/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$522.
 - \$522 for 29 total claims over 20.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1392.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

AUG-13-02 13:30 From:



2026248860

T-312 P.04/12 Job-799

KILPATRICK STOCKTON LLP

FIRST UNION NATIONAL BANK

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DATE: 05-13-02		PAYEE: Commissioner for Patents		VENDOR # 24959		CHECK #: 100936
REF. #	G/L #	INVOICE #	INVOICE DATE	DESCRIPTION	AMT. PAID	
476594	20999 00000000	05132002D	05-13-02	272256-- Government Filing Fee (\$370); Surcharge (\$65); Excess claims fee (\$261) and Assignment Recordation Fee (\$40)	736.00	
TOTAL					736.00	

THIS DOCUMENT HAS A VOID FEATURE IN THE COLORED BACKGROUND

KILPATRICK STOCKTON LLP

607 14th Street, NW
Suite 900
Washington, DC 20005-2018

DATE
05-13-02

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R/T 053000219

NO. 100936

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TWO SIGNATURES REQUIRED OVER \$2,000

TO
THE
ORDER
OF

Commissioner for Patents

⑈ 100936 ⑈ ⑈ 053000219 ⑈ 2000009088063 ⑈

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